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GAU 1636

Docket No.: 1087-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bowdish et al.

Examiner: Leffers

Serial No.: 10/006,591

Group: Art Unit 1636

Filed: December 5, 2001

Dated: September 29, 2003

Title: ENGINEERED PLASMIDS AND THEIR USE
FOR IN SITU PRODUCTION OF GENES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Claims 1-84 are pending in the instant application. The Office Action mailed August 27, 2003 (the "Office Action"), requires restriction between four groups of claims as follows:

- I. Claims 1-6, 23-37 and 73-74 drawn to a plasmid and host cells wherein the plasmid acts as a substrate for a plasmid encoding a polypeptide;
- II. Claims 7-12, 38-56 and 78-84 drawn to methods of constructing a plasmid encoding a polypeptide;
- III. Claims 13, 16-20, 22, 59-70 and 72 drawn to plasmids encoding a polypeptide and host cells comprising the plasmid; and

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

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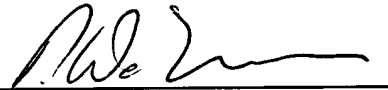
Date: September 29, 2003

IV. Claims 14-15, 21, 57-58, 71, and 75-77 drawn to proteins encoded by the recombinant plasmid.

Applicants elect, with traverse, to prosecute the claims of Group I, i.e., Claims 1-6, 23-37, 73-74. Applicants request the Examiner withdraw, or at the very least modify, the instant restriction requirement. Applicants respectfully submit that the Examiner, in searching for art related to a plasmid comprising a primer sequence and a collar sequence capable of annealing to two different portions of nucleic acid encoding a polypeptide (i.e., the claims of Group I), would necessarily find art related to methods of producing nucleic acids encoding a polypeptide with such plasmid (Group II); plasmids comprising a primer sequence and a collar sequence capable of annealing to two different portions of nucleic acid encoding a polypeptide and a nucleic acid strand complementary to the nucleic acid encoding the polypeptide (Group III); and polypeptides produced thereby (Group IV).

Accordingly, applicants request that examination proceed on all of the claims in the application as originally presented.

Respectfully submitted,



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